

**A BILL PROPOSED TO THE MARYLAND LEGISLATURE AT THE SESSION OF 1876, AND ENTITLED "AN ACT TO REGULATE THE CATCHING AND TO PROVIDE FOR THE PRESERVATION OF FISH IN THE WATERS OF THE STATE AND OF THE POTOMAC RIVER."**

**By MR. KNIGHT.**

SECTION I. *Be it enacted by the general assembly of Maryland,* That no person shall catch or take shad or herring in the waters of the State and in the Potomac River before the fifteenth of March or after the first day of June in each year.

SEC. II. *And be it enacted,* That during the season for fishing for shad and herring, as above provided, no person shall take or catch with seine, fyke-net, gill-net, or net of any kind, or with weir or fixed apparatus of any kind or description, any fish between the hours of twelve o'clock m. on Saturday and twelve o'clock midnight on Sunday in each week.

SEC. III. *And be it enacted,* That no person shall fish for or take or catch any kind of fish with seine, fyke-net, or gill-net, or net of any kind or description, or with weir or other fixed apparatus of any kind or description, without first having obtained a license therefor, as hereinafter provided.

SEC. IV. *And be it enacted,* That the comptroller of the treasury shall issue, through the clerks of the several circuit courts of the State, or the clerk of the court of common pleas of Baltimore City when the person applying is a resident of Baltimore City, to a person who is a bona fide resident of the county or city where the application is made, a license to commence on the first day of March and to hold good for one year, to fish, and to take and catch fish with seine, gill-net, fyke-net, or net of any other description, or with weir or other fixed apparatus, in any of the waters of this State, subject to the exceptions and provisions in this act.

SEC. V. *And be it enacted,* That every license to fish as aforesaid shall state the name and residence of the person to whom the same is granted; the description of the seine, net, or other apparatus to be used; the number of square yards of seine, net, or other apparatus when rigged, and that he is the bona fide owner of the same; but no such license shall be granted unless the person applying for the same shall make oath before the clerk of the court authorized to issue the same, or before some justice of the peace of the same county or city, upon whose certificate that such oath has been made the clerk may issue such license that the facts required to be stated in said license are strictly true, and that he will comply with all the laws of this State regulating the time and manner of catching fish.

SEC. VI. *And be it enacted,* That the clerks of the several circuit

courts of this State, or the clerk of the court of common pleas of Baltimore City, as the case may be, shall collect before granting such license one cent per square yard for every square yard of haul-seine of one-inch mesh, and one quarter of one cent in addition thereto for every square yard for every quarter of an inch decrease from one inch in size of mesh, and one-eighth of one cent less for every square yard for every increase of one quarter of an inch over one inch in size of mesh.

SEC. VII. *And be it enacted*, That every person applying for a license to fish with a gill-net shall pay for the same one cent per square yard for every square yard of net whose mesh is less than one and one-half inches, and three-quarters of one cent per square yard of net whose mesh is over one and one-half inches and less than two and one-half inches, and one-half of one cent per square yard for every square yard of net whose mesh is over two and one-half inches.

SEC. VIII. *And be it enacted*, That every person applying for a license for a weir, fyke-net, pound-net, or fixed apparatus, or apparatus of any kind for fishing, other than a haul-seine or gill-net, shall pay one cent per square yard for every square yard of fence or leader, and shall also pay in addition for every square yard of the bowl or pocket of the said weir, fyke-net, pound-net, or other apparatus, at the rate, and as prescribed in this act for haul-seines.

SEC. IX. *And be it enacted*, That for the purposes of this act, the meshes of all seines and nets of every description whatever shall be measured by the length of the side or bar of the mesh.

SEC. X. *And be it enacted*, That no license shall be required for any seine which is hauled and emptied exclusively in such inclosures as are commonly known as "ponds:" Provided, however, that if the owner or owners of such seine shall haul and empty the same in any other manner, he or they shall, unless licensed as hereinbefore provided, be deemed guilty of fishing with a seine without license, and liable as hereinafter provided for such offense.

SEC. XI. *And be it enacted*, That the clerks of the several courts as aforesaid shall each account to the comptroller of the treasury, in his next quarterly return, for all funds obtained from licenses granted under this act, and such return shall contain a statement of the number of such licenses issued, to whom issued, and the size and character of the fishing apparatus for which each license was issued, and all funds which come into the State treasury from such licenses shall be placed to the credit of a fund to be called the "State fishery fund," and the same shall be paid out upon the warrant of the comptroller, to be issued upon the requisition of the commission of fisheries, subject to the approval of the governor, and to be used in purchasing or leasing sites, erecting and providing implements, equipments, and ponds for fish breeding, and for payment of the salaries of the fish wardens.

SEC. XII. *And be it enacted*, That no fish-pot or fish-basket shall be

licensed except for the Susquehanna River, but the same shall be deemed a nuisance to be abated by any citizen or resident of the State, and it shall be the duty of the fish wardens and the State fishery force, to demolish and remove the same wherever found, except those licensed in the Susquehanna River as herein provided for, after the expiration of three months from the passage of this act, and no person shall use or take or catch any fish in a fish-pot or fish-basket in the Susquehanna River without first having obtained a license therefor as herein provided, for which license he shall pay two cents for every foot of wall-fence or ladder attached to or connected with such fish-pot or fish-basket, and no license shall be issued to construct or use, or to take or catch any fish in, any fish-pot or fish-basket whose slats shall be less than — inches apart, and any person using a fish-pot or fish-basket, or taking fish therefrom, in the Susquehanna River, without first having obtained such license, shall be fined fifty dollars for the first offense and one hundred dollars for each and every subsequent offense; and it shall be the duty of the fish wardens to inspect frequently the said fish-pots or fish-baskets in the Susquehanna River during the season in which they are operated, and see that they are constructed and operated in accordance with the provisions of the license, and any person or persons found violating the terms of the license shall be deemed guilty of fishing without a license.

SEC. XIII. *And be it enacted*, That if any person shall fish for or take or catch any kind of fish with seine, gill-net, or net of any kind or description, or with weir or any kind of fixed apparatus without first having obtained a license as hereinbefore provided, he shall forfeit his boat or boats and apparatus for catching fish so being used, and shall also be fined fifty dollars.

SEC. XIV. *And be it enacted*, That if any person shall fish for or take or catch any shad or herring before the fifteenth day of March or after the first day of June in any year, such person shall be fined fifty dollars, and shall also forfeit his boat or boats and fishing apparatus.

SEC. XV. *And be it enacted*, That no person, whether licensed, as hereinbefore provided, or not, shall be allowed to take from any river or stream any fish which have been introduced into such river or stream by the Commission of Fisheries, and which were unknown in such river or stream before their introduction therein by the said commission, until after three years from the time of the introduction of such fish, and any person offending against the provisions of this section shall be fined five dollars for each fish so taken.

SEC. XVI. *And be it enacted*, That no person shall be allowed to take or catch the fish known as "black bass" in any of the waters of this State or in the Potomac River in any manner whatever except by angling, and any person offending against the provisions of this section shall forfeit his boat and fishing apparatus, and shall also be fined five dollars for each fish so taken.

SEC. XVII. *And be it enacted*, That no person shall haul, drift, or fish any seine or gill-net within the water bounds or berths of any regular fishing landing in this State and in the Potomac River, nor opposite to any part of the shore of the owner or occupier of any such landing, within hauling distance from such shore, between the fifteenth day of March and the first day of June in each year without the permission of the owner or occupier of such fishing landing, and any such person so offending shall be fined not less than fifty nor more than one hundred dollars for the first offence, and for the second offence he shall be fined one hundred dollars, and shall also forfeit his seine, gill-net, boat, and all his fishing apparatus.

SEC. XVIII. *And be it enacted*, That the owner or owners of all dams erected now or hereafter in or across any of the rivers of this State, or streams running into such rivers, or the Potomac River, or streams running into said river, shall make and keep in repair, properly constructed fish ladders or fishways, to be placed on said dams so as to afford to the fish in said rivers or streams, free course up and down said river or streams, and if any owner or owners of such dams shall fail to comply with this provision within six months from the passage and approval of this act, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof in the court of the county where such owner resides, or in the criminal court of Baltimore city, shall be fined not less than three, nor more than five hundred dollars, and such dam shall be deemed a nuisance and liable to be abated as other nuisances under the laws of this State.

SEC. XIX. *And be it enacted*, That no person shall catch, take or fish for any fish from off or on any fishways or fish ladders in any of the waters of this State, or of the Potomac River, and any person offending against this provision, shall be fined one hundred dollars, and shall forfeit all his fishing apparatus.

SEC. XX. *And be it enacted*, That if any person during the season for fishing for shad and herring as hereinbefore provided for, shall take or catch with seine, gill-net, fyke-net, or net of any kind or description, or with weir or fixed apparatus of any kind or description, any fish of any kind between the hours of twelve o'clock m., on Saturday, and twelve o'clock midnight, Sunday in each week, he shall be fined one dollar for every fish so taken.

SEC. XXI. *And be it enacted*, That from and after the passage of this act it shall not be lawful for any person to take, capture or destroy any fish by seine, gill-net, or net of any kind or description, or by fish-basket, fish-pot, weir, or any fixed apparatus of any kind or description, except as is herein provided in the case of the Susquehanna River, or to destroy or capture any fish by shooting or striking them on the ice anywhere beyond one mile above tidewater in any of the waters of this State, or of the Potomac River: *Provided*, That it may be lawful to use without having obtained a license therefor, a dip-net for landing large

fish in angling, and for taking to be used as bait the small fish commonly used for this purpose by anglers, and any one violating the provisions of this section, shall, upon conviction, be fined not less than ten nor more than fifty dollars.

SEC. XXII. *And be it enacted*, That upon information given upon oath to any justice of the peace, accessible or convenient to the place where the offence is committed, of any violation of any of the provisions of this act, the said justice shall forthwith issue his warrant for the arrest of the offender or offenders, and for the seizure of the seine, net or other apparatus, and of the boat or boats and other fishing outfit, which shall be directed to the sheriff, or any constable of the county where the said justice of the peace resides, or of Baltimore city, if said justice resides in Baltimore city, or to any of the commanders of the State fishery force, and it shall be the duty of the sheriff, or other officers to whom such warrant may be directed, to arrest the person or persons named in the warrant, and also to seize the seine, net or other apparatus, and boat or boats, and to bring the offender or offenders before the justice issuing the said warrant, and upon conviction of the said offence, the justice shall impose the fine or fines provided by this act, and shall decree a forfeiture of such seine, net or other apparatus, and boat or boats, and upon the failure of the said offender or offenders to pay the fine or fines imposed, the justice shall commit him or them until such fine is paid.

SEC. XXIII. *And be it enacted*, That if the name of the offender is unknown, he may be arrested as above provided, on a warrant describing him as the person committing the offence, without stating his name in the warrant.

SEC. XXIV. *And be it enacted*, That it shall be the duty of the sheriff or other officers authorized to serve a warrant issued by a justice of the peace, for a violation of any of the provisions of this act to arrest, with or without warrant, any person or persons found violating any of the provisions of this act, and to seize the seine, net or other apparatus, or boat or boats, in cases where forfeiture of the same is provided, found being used in violating any of the said provisions, and to bring such person or persons before some justice of the peace, convenient or accessible to the place where such offence was committed, whereupon such justice shall proceed as is herein provided for cases where such person is brought before him under a warrant issued upon oath.

SEC. XXV. *And be it enacted*, That if any person or persons shall, by threat, menace, or otherwise, attempt to deter or prevent any sheriff, constable, fish warden, or any other persons from enforcing or carrying into effect this act, or any part thereof, he or they so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished with a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months, or either or both, at the discretion of the court before which such offender or offenders shall be convicted.

SEC. XXVI. *And be it enacted*, That all seines, nets, or other apparatus, or boat or boats, condemned to be forfeited under the provisions of this act, shall be delivered by the sheriff, or other officer making the seizure, to some constable of the county, to be selected by the justice before whom the matter was tried, and shall be by him sold at public sale on ten days' notice, given by written notice to be set up at three of the most public places in the neighborhood of the seizure, and the proceeds of sale after deducting the expenses thereof shall be paid to the school fund of the county where the offence was committed.

SEC. XXVII. *And be it enacted*, That all fines collected for a violation of any of the provisions of this act shall be paid, one-half to the informer and the remainder to the school fund of the county where the offence was committed.

SEC. XXVIII. *And be it enacted*, That every person convicted under the provisions of this act shall have the right of appeal to the circuit court of the county where the offence was committed, or to the criminal court of Baltimore City, if the offence was committed within the limits of Baltimore City, but executions of the judgment of the justice of peace shall not be stayed unless the party appealing shall give bond to the State of Maryland for double the amount of fine imposed and value of the property decreed to be forfeited, with security approved by the justice rendering the judgment, with condition to prosecute his appeal with effect, or to pay the fine imposed, with all costs, and also to deliver up to the sheriff or other officer making the seizure the property decreed to be forfeited.

SEC. XXIX. *And be it enacted*, That if any person applying for a license as hereinbefore provided shall swear falsely to any of the facts required to be sworn to by him, he shall be deemed guilty of perjury, and liable to be proceeded against by indictment and otherwise, as in other cases of perjury, and shall also forfeit his seine, bet, or other apparatus, and be fined fifty dollars, the same to be enforced as other fines and forfeitures under the provisions of this act.

SEC. XXX. *And be it enacted*, That the State of Maryland hereby declares her assent and approbation to the passage by the State of Virginia of a law containing the general provisions of this act, to regulate the taking and for the preservation of fish in the Potomac River; and in the event of the passage of such a law by the said State, and the assent and approbation of the said State duly declared being given to the passage of the act, then nothing herein contained shall be construed to prevent a resident of Virginia holding a license issued under such law from fishing in the waters of the Potomac River, subject to the other provisions of this act.

SEC. XXXI. *And be it enacted*, That in case the State of Virginia shall enact a law similar in its general provisions to this act, and shall give her assent and approbation to this act with reference to fishing in the Potomac River, then citizens of either State when arrested for a viola-

tion of any of the provisions of this act, or of such act to be passed by the State of Virginia relating to the said river, by any officer of either State authorized to arrest therefor, shall be delivered up for trial to such officer of the State of which the offender is a citizen, as may be authorized to arrest under the law of such State, unless arrested for hindrance or disturbance of the fisheries on the shores of the other State, in violation of any of the provisions of this act, in which case he shall be tried in such other State; and persons who are not bona fide residents of either State, who may be arrested for a violation of any of the provisions of this act relating to the Potomac River, shall be tried in the State of the officer making the arrest, and in all questions of citizenship the burden of proof shall be on the offender.

SEC. XXXII. *And be it enacted*, That the commissioners of fisheries, and such other persons to whom the said commissioners may give authority in writing, shall be allowed at all times, and in any manner, to take any fish in any of the waters of the State, or in the Potomac River, for purposes of propagation and for scientific purposes.

SEC. XXXIII. *And be it enacted*, That nothing herein contained shall prevent any person from taking fish on his own shores for family use during the seasons, and between the periods allowed by this act, and subject to the provisions relating to such fish as have been introduced into the waters of this State by the commissioners of fisheries.

SEC. XXXIV. *And be it enacted*, That the commissioner of fisheries, he, and the same are hereby declared to be, members ex officio of the board of commissioners of the State fishery force, and it shall be the duty of the said board thus constituted, and especially of the several commanders of the vessels used in the said force, to enforce all laws of this State relating and regulating the catching of fish in the navigable waters of this State, and of the Potomac River, as well as those relating to the catching of oysters.

SEC. XXXV. *And be it enacted*, That the governor shall, upon the recommendation of the commission of fisheries, appoint not more than twelve persons to serve as fish wardens in certain limits and localities to be assigned each by the commission of fisheries, and the said wardens shall be charged with the enforcement of the laws relating to and regulating the catching of fish in the waters of the State and of the Potomac River, and more particularly in those waters beyond the reach of vessels of the State fishery force, and they shall frequently visit the fishing shores and grounds, especially during the fishing season, and such persons so appointed shall receive, in addition to such sum as he may become entitled to as informer, as a salary, a sum not exceeding one hundred dollars per annum, to be paid out of the fund herein provided for, to be known as the State fishery fund; and such wardens shall be removable at any time by the governor upon the recommendation of the commission of fisheries, and in the event of such removal they

shall be paid at the rate of not more than one hundred dollars, and only for the time of their actual service.

SEC. XXXVI. *And be it enacted*, That all acts and parts of acts, whether of the public general or public local laws, inconsistent with the provisions of this enactment, be and the same are hereby repealed.

SEC. XXXVII. *And be it enacted*, That no non-resident shall take any fish in any of the waters of this State, except by angling or with hand-line, and nothing in this act shall be so construed as to exempt any one from the operation of the several local laws of this State, where and to the extent that such local laws superadd to the requirements of this act.

SEC. XXXVIII. *And be it enacted*, That this act shall take effect from the time of its passage.

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**EELS (*ANGUILLA ROSTRATA*) IN NEW BEDFORD WATER PIPES—  
MACKEREL ABUNDANT IN AMHERST RIVER.**

**By WILLARD NYE, Jr.**

[Letter to Prof. S. F. Baird.]

I send by express several eels that came out of the water-supply pipes of this place. Now, it struck me that they might be the descendants of the salt-water eels that ran up the Amherst River and got caught there when the water-works dam was made, over ten years ago, and that they had taken what they thought the shortest way back to salt water. They were first noticed in the pipes soon after the nights began to be chilly, and the most trouble from them was in the lower part of the city near the salt water, where they took over thirty out of one pipe. The one in the jar that got stuck in a pipe shows how anxious they were to get along.

This year mackerel have struck into our rivers in great quantities, and they ran higher than I have ever seen them here before. There were three sizes, viz, about seven, ten, and a few fourteen inches long, and they must have been driven in here by some kind of fish, as a large per cent. of them showed marks of teeth on their sides, and they did not look like blue-fish bites. I thought it might be of interest, as there has never since I can remember been one-tenth as many mackerel in our rivers in any season, and when they were here they were of the small size.

NEW BEDFORD, MASS., *October 27, 1882.*